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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,880

10/07/2004

Sidney C. Alford

16170.1

1313

22913

7590

10/17/2006

WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

ELDRED, JOHN W

ART UNIT PAPER NUMBER

3641

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3641

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-7, 9-11, and 16 are, drawn to a disruptor with an adjustable projectile wall position, classified in class 102, subclass 443.
 - II. Claims 12 and 13, drawn to a method of filling a disruptor with a projectile placed in one position, classified in class 86, subclass 12.
 - III. Claims 14 and 15, drawn to a method of filling a disruptor with movement of the container wall, classified in class 86, subclass 20.1.
 - IV. Claims 17-20, drawn to a disruptor with a ring that forces a projectile against an explosive, classified in class 86, subclass 43.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I-V are directed to related apparatus and processes for a disruptor. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are distinct for the following reasons. Group III involves the positioning of the container wall, while the other Groups involve the positioning of the projectile wall. Group II involves the positioning of the projectile wall in one position that results in a filled enclosure, while Groups I and IV involve the placement of the projectile wall in one of a plurality of positions. Group I involves the placement of the projectile wall to define an enclosure space for explosives, while Group IV involves a ring that forces a wall of the projectile against an explosive. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

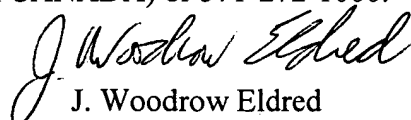
The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodrow Eldred whose telephone number is 571-272-6901. The examiner can normally be reached on Monday to Thursday, from 8:00 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


J. Woodrow Eldred
Primary Examiner
Art Unit 3641